



State of Louisiana
Gaming Control Board

KATHLEEN BABINEAUX BLANCO
GOVERNOR

HILLARY J. CRAIN
CHAIRMAN

**IN RE: CRACKER, L.L.C. D/B/A FUDS, III
NO. VP0904105490
VIOLATION INSPECTION REPORT #14081**

ORDER

This matter was considered by the Louisiana Gaming Control Board at its meeting of January 20, 2004. The Hearing Officer's order dated December 16, 2003, based on the "Joint Motion for Entry of Stipulations and Approval of Proposed Settlement" in the matter of the "Notice of Recommendation of Administrative Action," by and between Crackers, L.L.C. d/b/a Fuds, III, No. VP0904105490, and the Louisiana Department of Public Safety and Corrections, Office of State Police, Video Gaming Division, which is attached hereto and incorporated herein, is **APPROVED**.

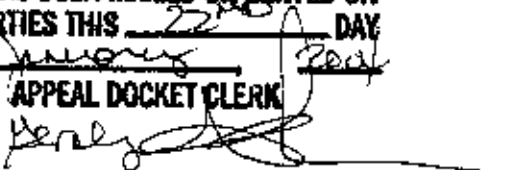
THUS DONE AND SIGNED on this the 21st day of January, 2004.

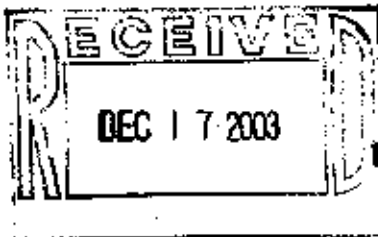
LOUISIANA GAMING CONTROL BOARD

BY:


HILLARY J. CRAIN, CHAIRMAN

**LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 22nd DAY
OF January 2004
APPEAL DOCKET CLERK**





STATE OF LOUISIANA

LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

RECEIVED

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LGCB
ADMINISTRATIVE HEARING OFFICE

IN RE: CRACKERS, I.L.C. d/b/a
FUDS, III

NO. 0904105490
VIOLATION REPORT NO. 14081

**JOINT MOTION FOR ENTRY OF STIPULATIONS AND
APPROVAL OF PROPOSED SETTLEMENT**

ON THE JOINT MOTION OF:

1. the Louisiana Department of Public Safety and Corrections, Office of State Police, Video Gaming Division (hereinafter "Division"), and
2. Crackers, I.L.C. d/b/a Fuds, III, License No. 0904105490 (hereinafter "licensee"),

who respectfully represent the following:

WHEREAS:

1. On or about June 01, 2003, the Division mailed licensee the Annual Form required to be submitted with all appropriate fees as well as current tax clearance certificates on or before July 1, 2003. However, the licensee failed to submit its Annual Form, annual fee and appropriate tax clearance certificates timely. The Division did not receive these filings until on or about July 25, 2003.
2. The licensee is mandated by LSA 27:311(K)(4) and LAC 42:XI.2405(B)(4) to submit payment by July first of each year the annual fees required.
3. The licensee is further mandated by LAC 42:XI.2405(B)(7) to submit proof of current tax filings and payments, including tax clearance certificates from the state and all appropriate local taxing authorities to the division along with the annual fee as provided in Subsection B.4 no later than July 1 of each year;
4. On or about July 28, 2003, the Division issued Violation/Inspection Report #14081, citing violations of LRS 27:311(K)(4) and LAC 42:XI.2405(B)(4) and (7). Attendant to this Violation/Inspection Report, the Louisiana Gaming Control Board issued a Notice of Recommendation of Administrative Action to the licensee on or about October 9, 2003.

TRUE COPY


Representative

Louisiana Gaming Control Board

5. This matter has been scheduled for hearing on December 15, 2003 at 9:30 a.m. before the Honorable Joseph E. Anzalone, Jr.


NOW THEREFORE, in consideration of the foregoing stipulations, the Division and the licensee hereby propose the following settlement, that:

1. The licensee acknowledges that it was in violation of LRS 27:311(K)(4) and LAC 42:XL2405(B)(4) and (7) in that it did not submit Annual form, fee and proof of current tax filings from appropriate local taxing authorities to the Division until on or about July 28, 2003.
2. In consideration of the previous and aforementioned settlement of Violation/Inspection Report #14081 and in lieu of further administrative action against the licensee's video gaming license, the licensee shall pay a \$500.00 civil penalty;
3. The Division hereby agrees to accept the licensee's payment of the above stated penalty in full and final settlement of Violation/Inspection Report No. 14457 and this Notice of Recommendation of Administrative Action;
4. The Division reserves the right to take into consideration these violations in connection with any future violation;
5. The form and substance of this settlement are to be interpreted under the laws of the State of Louisiana;
6. This settlement constitutes the entire agreement between the licensee, Crackers, L.L.C. d/b/a Fuds, III and the Division pertaining to the subject matter contained herein, and supercedes all prior and contemporaneous agreements, representations, and understandings of the parties;
7. This settlement is subject to approval by the Hearing Officer of the Louisiana Gaming Control Board; it is expressly understood that if this proposed settlement is approved by the Hearing Officer, this agreement is not executory and will be submitted to the Board for its determination as to whether the matter should be heard by the Hearing Officer; if approved, however, payment of the above penalties must be submitted to the Division within fifteen (15) days of approval of this settlement by the Board; the failure to submit the civil penalty within fifteen (15) days of approval by the Board shall result in the video gaming license of the licensee being suspended and its gaming devices being disabled; and
8. The Division and the licensee waive their rights to appeal this settlement if the Order is signed by the Hearing Officer and accepted by the Board.

Respectfully submitted,


CRACKERS, I.J.C. d/b/a FUDS III
No. 0904105490

BY:


Brett A. Sulzer
Counsel for license
La. Bar Roll No. 23320
Post Office Box 4852
Baton Rouge, Louisiana 70821
Telephone: (225) 336-9600
Facsimile: (225) 709-1554

RICHARD P. RYHOUB
ATTORNEY GENERAL

BY:


Tammy W. Matzke
Assistant Attorney General
La. Bar Roll No. 22887
339 Florida Street, Ste. 500
Baton Rouge, LA 70801
Telephone: (225) 342-2465
Facsimile: (225) 342-4244

STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

IN RE: CRACKERS, L.L.C. d/b/a
FUDS, III

NO. 0904105490
VIOLATION REPORT NO. 14081

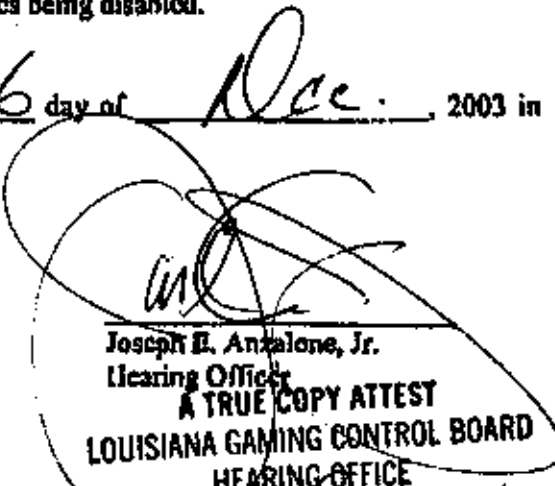
ORDER

Considering the foregoing Joint Motion For Entry of Stipulations and Approval of Proposed Settlement, IT IS HEREBY ORDERED that such proposed settlement be approved, to wit:

1. The licensee acknowledges that it was in violation of LRS 27:311(K)(4) and LAC 42:XI.2405(B)(4) and (7) in that it did not submit its Annual form, fee and proof of current tax filings from appropriate local taxing authorities to the division until on or about November 17, 2003 which was three months past the due date of July 1, 2003 for this current year;
2. the licensee shall pay a \$500.00 civil penalty;
3. payment of the above penalty shall be submitted to the state within fifteen (15) days of approval of this settlement by the Louisiana Gaming Control Board; and
4. the failure to submit the above penalty within fifteen (15) days of approval of this settlement by the Board shall result in the video gaming license of the licensee being suspended and its gaming devices being disabled.

THUS DONE AND SIGNED this 16 day of Dec., 2003 in
Baton Rouge, Louisiana.

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 16th DAY
OF December, 2003
Barbara J. Hayes
DOCKET CLERK, ADMINISTRATIVE HEARING OFFICE


Joseph E. Anzalone, Jr.
Hearing Officer
A TRUE COPY ATTEST
LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
BATON ROUGE, LA December 16 2003

Barbara Hayes
BY: CLERK